



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2091

Introduced 2/14/2008, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-9005	from Ch. 34, par. 3-9005
105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/21-1	from Ch. 122, par. 21-1
105 ILCS 5/21-23	from Ch. 122, par. 21-23
105 ILCS 5/21-23a	from Ch. 122, par. 21-23a
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5

Amends the School Code and the Counties Code. Provides that it is a State's Attorney's duty to notify the State Superintendent of Education upon the conviction of any individual known to possess a certificate issued under the School Code of any of certain offenses or any other felony conviction. In the criminal history records check provisions of the School Code, makes changes concerning the offenses for which a school board may not knowingly employ a person. Provides that no one may be certified to teach or supervise in the public schools who has been convicted of certain offenses (instead of providing that in determining good character, any felony conviction of an applicant may be taken into consideration, but such a conviction shall not operate as a bar to registration). In provisions concerning suspension or revocation of a certificate, provides that the State Superintendent of Education has the exclusive authority to initiate the suspension of up to 5 calendar years or revocation of any certificate (instead of providing that a certificate may be suspended for a period not to exceed one calendar year by the regional superintendent of schools or for a period not to exceed 5 calendar years by the State Superintendent). With respect to certificate suspension and revocation, makes changes concerning an investigation, notice, a hearing, an appeal, and the offenses that are grounds for suspension and revocation. Makes other changes.

LRB095 18099 NHT 44182 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 3-9005 as follows:

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)
7 Sec. 3-9005. Powers and duties of State's attorney.

8 (a) The duty of each State's attorney shall be:

9 (1) To commence and prosecute all actions, suits,
10 indictments and prosecutions, civil and criminal, in the
11 circuit court for his county, in which the people of the
12 State or county may be concerned.

13 (2) To prosecute all forfeited bonds and
14 recognizances, and all actions and proceedings for the
15 recovery of debts, revenues, moneys, fines, penalties and
16 forfeitures accruing to the State or his county, or to any
17 school district or road district in his county; also, to
18 prosecute all suits in his county against railroad or
19 transportation companies, which may be prosecuted in the
20 name of the People of the State of Illinois.

21 (3) To commence and prosecute all actions and
22 proceedings brought by any county officer in his official
23 capacity.

1 (4) To defend all actions and proceedings brought
2 against his county, or against any county or State officer,
3 in his official capacity, within his county.

4 (5) To attend the examination of all persons brought
5 before any judge on habeas corpus, when the prosecution is
6 in his county.

7 (6) To attend before judges and prosecute charges of
8 felony or misdemeanor, for which the offender is required
9 to be recognized to appear before the circuit court, when
10 in his power so to do.

11 (7) To give his opinion, without fee or reward, to any
12 county officer in his county, upon any question or law
13 relating to any criminal or other matter, in which the
14 people or the county may be concerned.

15 (8) To assist the attorney general whenever it may be
16 necessary, and in cases of appeal from his county to the
17 Supreme Court, to which it is the duty of the attorney
18 general to attend, he shall furnish the attorney general at
19 least 10 days before such is due to be filed, a manuscript
20 of a proposed statement, brief and argument to be printed
21 and filed on behalf of the people, prepared in accordance
22 with the rules of the Supreme Court. However, if such
23 brief, argument or other document is due to be filed by law
24 or order of court within this 10 day period, then the
25 State's attorney shall furnish such as soon as may be
26 reasonable.

1 (9) To pay all moneys received by him in trust, without
2 delay, to the officer who by law is entitled to the custody
3 thereof.

4 (10) To notify, by first class mail, complaining
5 witnesses of the ultimate disposition of the cases arising
6 from an indictment or an information.

7 (11) To perform such other and further duties as may,
8 from time to time, be enjoined on him by law.

9 (12) To appear in all proceedings by collectors of
10 taxes against delinquent taxpayers for judgments to sell
11 real estate, and see that all the necessary preliminary
12 steps have been legally taken to make the judgment legal
13 and binding.

14 (13) To notify, by first-class mail, the State
15 Superintendent of Education upon the conviction of any
16 individual known to possess a certificate issued pursuant
17 to Article 21 of the School Code of any offense set forth
18 in Section 21-23a of the School Code or any other felony
19 conviction, providing the name of the certificate holder,
20 the fact of the conviction, and the name and location of
21 the court where the conviction occurred.

22 (b) The State's Attorney of each county shall have
23 authority to appoint one or more special investigators to serve
24 subpoenas, make return of process and conduct investigations
25 which assist the State's Attorney in the performance of his
26 duties. A special investigator shall not carry firearms except

1 with permission of the State's Attorney and only while carrying
2 appropriate identification indicating his employment and in
3 the performance of his assigned duties.

4 Subject to the qualifications set forth in this subsection,
5 special investigators shall be peace officers and shall have
6 all the powers possessed by investigators under the State's
7 Attorneys Appellate Prosecutor's Act.

8 No special investigator employed by the State's Attorney
9 shall have peace officer status or exercise police powers
10 unless he or she successfully completes the basic police
11 training course mandated and approved by the Illinois Law
12 Enforcement Training Standards Board or such board waives the
13 training requirement by reason of the special investigator's
14 prior law enforcement experience or training or both. Any
15 State's Attorney appointing a special investigator shall
16 consult with all affected local police agencies, to the extent
17 consistent with the public interest, if the special
18 investigator is assigned to areas within that agency's
19 jurisdiction.

20 Before a person is appointed as a special investigator, his
21 fingerprints shall be taken and transmitted to the Department
22 of State Police. The Department shall examine its records and
23 submit to the State's Attorney of the county in which the
24 investigator seeks appointment any conviction information
25 concerning the person on file with the Department. No person
26 shall be appointed as a special investigator if he has been

1 convicted of a felony or other offense involving moral
2 turpitude. A special investigator shall be paid a salary and be
3 reimbursed for actual expenses incurred in performing his
4 assigned duties. The county board shall approve the salary and
5 actual expenses and appropriate the salary and expenses in the
6 manner prescribed by law or ordinance.

7 (c) The State's Attorney may request and receive from
8 employers, labor unions, telephone companies, and utility
9 companies location information concerning putative fathers and
10 noncustodial parents for the purpose of establishing a child's
11 paternity or establishing, enforcing, or modifying a child
12 support obligation. In this subsection, "location information"
13 means information about (i) the physical whereabouts of a
14 putative father or noncustodial parent, (ii) the putative
15 father or noncustodial parent's employer, or (iii) the salary,
16 wages, and other compensation paid and the health insurance
17 coverage provided to the putative father or noncustodial parent
18 by the employer of the putative father or noncustodial parent
19 or by a labor union of which the putative father or
20 noncustodial parent is a member.

21 (d) For each State fiscal year, the State's Attorney of
22 Cook County shall appear before the General Assembly and
23 request appropriations to be made from the Capital Litigation
24 Trust Fund to the State Treasurer for the purpose of providing
25 assistance in the prosecution of capital cases in Cook County
26 and for the purpose of providing assistance to the State in

1 post-conviction proceedings in capital cases under Article 122
2 of the Code of Criminal Procedure of 1963 and in relation to
3 petitions filed under Section 2-1401 of the Code of Civil
4 Procedure in relation to capital cases. The State's Attorney
5 may appear before the General Assembly at other times during
6 the State's fiscal year to request supplemental appropriations
7 from the Trust Fund to the State Treasurer.

8 (e) The State's Attorney shall have the authority to enter
9 into a written agreement with the Department of Revenue for
10 pursuit of civil liability under Section 17-1a of the Criminal
11 Code of 1961 against persons who have issued to the Department
12 checks or other orders in violation of the provisions of
13 paragraph (d) of subsection (B) of Section 17-1 of the Criminal
14 Code of 1961, with the Department to retain the amount owing
15 upon the dishonored check or order along with the dishonored
16 check fee imposed under the Uniform Penalty and Interest Act,
17 with the balance of damages, fees, and costs collected under
18 Section 17-1a of the Criminal Code of 1961 to be retained by
19 the State's Attorney. The agreement shall not affect the
20 allocation of fines and costs imposed in any criminal
21 prosecution.

22 (Source: P.A. 92-492, eff. 1-1-02; 93-972, eff. 8-20-04.)

23 Section 10. The School Code is amended by changing Sections
24 10-21.9, 21-1, 21-23, 21-23a, and 34-18.5 as follows:

1 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

2 Sec. 10-21.9. Criminal history records checks and checks of
3 the Statewide Sex Offender Database and Statewide Child
4 Murderer and Violent Offender Against Youth Database.

5 (a) Certified and noncertified applicants for employment
6 with a school district, except school bus driver applicants,
7 are required as a condition of employment to authorize a
8 fingerprint-based criminal history records check to determine
9 if such applicants have been convicted of any of the enumerated
10 criminal or drug offenses in subsection (c) of this Section or
11 have been convicted, within 7 years of the application for
12 employment with the school district, of any other felony under
13 the laws of this State or of any offense committed or attempted
14 in any other state or against the laws of the United States
15 that, if committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State.
17 Authorization for the check shall be furnished by the applicant
18 to the school district, except that if the applicant is a
19 substitute teacher seeking employment in more than one school
20 district, a teacher seeking concurrent part-time employment
21 positions with more than one school district (as a reading
22 specialist, special education teacher or otherwise), or an
23 educational support personnel employee seeking employment
24 positions with more than one district, any such district may
25 require the applicant to furnish authorization for the check to
26 the regional superintendent of the educational service region

1 in which are located the school districts in which the
2 applicant is seeking employment as a substitute or concurrent
3 part-time teacher or concurrent educational support personnel
4 employee. Upon receipt of this authorization, the school
5 district or the appropriate regional superintendent, as the
6 case may be, shall submit the applicant's name, sex, race, date
7 of birth, social security number, fingerprint images, and other
8 identifiers, as prescribed by the Department of State Police,
9 to the Department. The regional superintendent submitting the
10 requisite information to the Department of State Police shall
11 promptly notify the school districts in which the applicant is
12 seeking employment as a substitute or concurrent part-time
13 teacher or concurrent educational support personnel employee
14 that the check of the applicant has been requested. The
15 Department of State Police and the Federal Bureau of
16 Investigation shall furnish, pursuant to a fingerprint-based
17 criminal history records check, records of convictions, until
18 expunged, to the president of the school board for the school
19 district that requested the check, or to the regional
20 superintendent who requested the check. The Department shall
21 charge the school district or the appropriate regional
22 superintendent a fee for conducting such check, which fee shall
23 be deposited in the State Police Services Fund and shall not
24 exceed the cost of the inquiry; and the applicant shall not be
25 charged a fee for such check by the school district or by the
26 regional superintendent. Subject to appropriations for these

1 purposes, the State Superintendent of Education shall
2 reimburse school districts and regional superintendents for
3 fees paid to obtain criminal history records checks under this
4 Section.

5 (a-5) The school district or regional superintendent shall
6 further perform a check of the Statewide Sex Offender Database,
7 as authorized by the Sex Offender Community Notification Law,
8 for each applicant.

9 (a-6) The school district or regional superintendent shall
10 further perform a check of the Statewide Child Murderer and
11 Violent Offender Against Youth Database, as authorized by the
12 Child Murderer and Violent Offender Against Youth Community
13 Notification Law, for each applicant.

14 (b) Any information concerning the record of convictions
15 obtained by the president of the school board or the regional
16 superintendent shall be confidential and may only be
17 transmitted to the superintendent of the school district or his
18 designee, the appropriate regional superintendent if the check
19 was requested by the school district, the presidents of the
20 appropriate school boards if the check was requested from the
21 Department of State Police by the regional superintendent, the
22 State Superintendent of Education, the State Teacher
23 Certification Board or any other person necessary to the
24 decision of hiring the applicant for employment. A copy of the
25 record of convictions obtained from the Department of State
26 Police shall be provided to the applicant for employment. Upon

1 the check of the Statewide Sex Offender Database, the school
2 district or regional superintendent shall notify an applicant
3 as to whether or not the applicant has been identified in the
4 Database as a sex offender. If a check of an applicant for
5 employment as a substitute or concurrent part-time teacher or
6 concurrent educational support personnel employee in more than
7 one school district was requested by the regional
8 superintendent, and the Department of State Police upon a check
9 ascertains that the applicant has not been convicted of any of
10 the enumerated criminal or drug offenses in subsection (c) or
11 has not been convicted, within 7 years of the application for
12 employment with the school district, of any other felony under
13 the laws of this State or of any offense committed or attempted
14 in any other state or against the laws of the United States
15 that, if committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State and so
17 notifies the regional superintendent and if the regional
18 superintendent upon a check ascertains that the applicant has
19 not been identified in the Sex Offender Database as a sex
20 offender, then the regional superintendent shall issue to the
21 applicant a certificate evidencing that as of the date
22 specified by the Department of State Police the applicant has
23 not been convicted of any of the enumerated criminal or drug
24 offenses in subsection (c) or has not been convicted, within 7
25 years of the application for employment with the school
26 district, of any other felony under the laws of this State or

1 of any offense committed or attempted in any other state or
2 against the laws of the United States that, if committed or
3 attempted in this State, would have been punishable as a felony
4 under the laws of this State and evidencing that as of the date
5 that the regional superintendent conducted a check of the
6 Statewide Sex Offender Database, the applicant has not been
7 identified in the Database as a sex offender. The school board
8 of any school district may rely on the certificate issued by
9 any regional superintendent to that substitute teacher,
10 concurrent part-time teacher, or concurrent educational
11 support personnel employee or may initiate its own criminal
12 history records check of the applicant through the Department
13 of State Police and its own check of the Statewide Sex Offender
14 Database as provided in subsection (a). Any person who releases
15 any confidential information concerning any criminal
16 convictions of an applicant for employment shall be guilty of a
17 Class A misdemeanor, unless the release of such information is
18 authorized by this Section.

19 (c) No school board shall knowingly employ a person who has
20 been convicted of a sex offense or narcotics offense, first
21 degree murder, attempted first degree murder, conspiracy to
22 commit first degree murder, attempted conspiracy to commit
23 first degree murder, or a Class X felony. The offenses of
24 "first degree murder", "attempted first degree murder",
25 "conspiracy to commit first degree murder", "attempted
26 conspiracy to commit first degree murder", and "Class X felony"

1 referred to in this Section include any offense committed or
2 attempted in another state or against the laws of the United
3 States that, if committed or attempted in this State, would
4 have been punishable as any one of these offenses. ~~for~~
5 ~~committing attempted first degree murder or for committing or~~
6 ~~attempting to commit first degree murder or a Class X felony or~~
7 ~~any one or more of the following offenses: (i) those defined in~~
8 ~~Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17,~~
9 ~~11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13,~~
10 ~~12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961;~~
11 ~~(ii) those defined in the Cannabis Control Act except those~~
12 ~~defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii)~~
13 ~~those defined in the Illinois Controlled Substances Act; (iv)~~
14 ~~those defined in the Methamphetamine Control and Community~~
15 ~~Protection Act; and (v) any offense committed or attempted in~~
16 ~~any other state or against the laws of the United States, which~~
17 ~~if committed or attempted in this State, would have been~~
18 ~~punishable as one or more of the foregoing offenses.~~ Further,
19 no school board shall knowingly employ a person who has been
20 found to be the perpetrator of sexual or physical abuse of any
21 minor under 18 years of age pursuant to proceedings under
22 Article II of the Juvenile Court Act of 1987.

23 "Sex offense" as used in this Section means any one or more
24 of the following offenses:

25 (1) Any offense under Sections 11-6, 11-9.1 through
26 11-9.5, inclusive, 11-14 through 11-21, inclusive, 11-23

1 (if punished as a Class 3 felony), 11-24, 12-4.9, 12-13,
2 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the
3 Criminal Code of 1961.

4 (2) An attempt to commit any of the offenses set forth
5 in subdivision (1) of this subsection (c).

6 (3) Any offense committed or attempted in another state
7 or against the laws of the United States that, if committed
8 or attempted in this State, would have been punishable as
9 one or more of the offenses set forth in subdivisions (1)
10 and (2) of this subsection (c).

11 "Narcotics offense" as used in this Section means any one
12 or more of the following offenses:

13 (A) Any offense under the Cannabis Control Act, except
14 an offense defined in subdivision (a) or (b) of Section 4
15 or subdivision (a) of Section 5 of the Cannabis Control Act
16 or an offense in which the person is placed on probation
17 under Section 10 of the Cannabis Control Act and the person
18 fulfills those terms and conditions of probation as may be
19 required by the court.

20 (B) Any offense under the Illinois Controlled
21 Substances Act, except an offense in which the person is
22 placed on probation under Section 410 of the Illinois
23 Controlled Substances Act and the person fulfills those
24 terms and conditions of probation as may be required by the
25 court.

26 (C) Any offense under the Methamphetamine Control and

1 Community Protection Act, except an offense in which the
2 person is placed on probation under Section 70 of the
3 Methamphetamine Control and Community Protection Act and
4 the person fulfills those terms and conditions of probation
5 as may be required by the court.

6 (D) An attempt to commit any of the offenses set forth
7 in clauses (A), (B), and (C) of this subsection (c).

8 (E) Any offense committed or attempted in another state
9 or against the laws of the United States that, if committed
10 or attempted in this State, would have been punishable as
11 one or more of the offenses set forth in clauses (A), (B),
12 (C), and (D) of this subsection (c).

13 (d) No school board shall knowingly employ a person for
14 whom a criminal history records check and a Statewide Sex
15 Offender Database check has not been initiated.

16 (e) Upon receipt of the record of a conviction of or a
17 finding of child abuse by a holder of any certificate issued
18 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
19 Code, the ~~appropriate regional superintendent of schools or the~~
20 State Superintendent of Education may ~~shall~~ initiate ~~the~~
21 certificate suspension and revocation proceedings as
22 authorized by law.

23 (f) After January 1, 1990 the provisions of this Section
24 shall apply to all employees of persons or firms holding
25 contracts with any school district including, but not limited
26 to, food service workers, school bus drivers and other

1 transportation employees, who have direct, daily contact with
2 the pupils of any school in such district. For purposes of
3 criminal history records checks and checks of the Statewide Sex
4 Offender Database on employees of persons or firms holding
5 contracts with more than one school district and assigned to
6 more than one school district, the regional superintendent of
7 the educational service region in which the contracting school
8 districts are located may, at the request of any such school
9 district, be responsible for receiving the authorization for a
10 criminal history records check prepared by each such employee
11 and submitting the same to the Department of State Police and
12 for conducting a check of the Statewide Sex Offender Database
13 for each employee. Any information concerning the record of
14 conviction and identification as a sex offender of any such
15 employee obtained by the regional superintendent shall be
16 promptly reported to the president of the appropriate school
17 board or school boards.

18 (Source: P.A. 94-219, eff. 7-14-05; 94-556, eff. 9-11-05;
19 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; 95-331, eff.
20 8-21-07.)

21 (105 ILCS 5/21-1) (from Ch. 122, par. 21-1)

22 Sec. 21-1. Qualification of teachers. No one may be
23 certified to teach or supervise in the public schools of this
24 State who is not of good character, of good health, a citizen
25 of the United States or legally present and authorized for

1 employment, and at least 19 years of age. No one may be
2 certified to teach or supervise in the public schools of this
3 State who has been convicted of an offense set forth in Section
4 21-23a of this Code. An applicant for a certificate who is not
5 a citizen of the United States must sign and file with the
6 State Board of Education a letter of intent indicating that
7 either (i) within 10 years after the date that the letter is
8 filed or (ii) at the earliest opportunity after the person
9 becomes eligible to apply for U.S. citizenship, the person will
10 apply for U.S. citizenship.

11 Citizenship is not required for the issuance of a temporary
12 part-time certificate to participants in approved training
13 programs for exchange students as described in Section 21-10.2.
14 A certificate issued under this plan shall expire on June 30
15 following the date of issue. One renewal for one year is
16 authorized if the holder remains as an official participant in
17 an approved exchange program.

18 ~~In determining good character under this Section, any~~
19 ~~felony conviction of the applicant may be taken into~~
20 ~~consideration, but such a conviction shall not operate as a bar~~
21 ~~to registration.~~

22 No person otherwise qualified shall be denied the right to
23 be certified, to receive training for the purpose of becoming a
24 teacher or to engage in practice teaching in any school because
25 of a physical disability including but not limited to visual
26 and hearing disabilities; nor shall any school district refuse

1 to employ a teacher on such grounds, provided that the person
2 is able to carry out the duties of the position for which he
3 applies.

4 No person may be granted or continue to hold a teaching
5 certificate who has knowingly altered or misrepresented his or
6 her teaching qualifications in order to acquire the
7 certificate. Any other certificate held by such person may be
8 suspended or revoked by the State Teacher Certification Board,
9 depending upon the severity of the alteration or
10 misrepresentation.

11 No one may teach or supervise in the public schools nor
12 receive for teaching or supervising any part of any public
13 school fund, who does not hold a certificate of qualification
14 granted by the State Board of Education or by the State Teacher
15 Certification Board and a regional superintendent of schools as
16 hereinafter provided, or by the board of education of a city
17 having a population exceeding 500,000 inhabitants except as
18 provided in Section 34-6 and in Section 10-22.34 or Section
19 10-22.34b. However, the provisions of this Article do not apply
20 to a member of the armed forces who is employed as a teacher of
21 subjects in the Reserve Officer's Training Corps of any school.
22 Sections 21-2 through 21-24 do not apply to cities having a
23 population exceeding 500,000 inhabitants, until July 1, 1988.

24 Notwithstanding any other provision of this Act, the board
25 of education of any school district may grant to a teacher of
26 the district a leave of absence with full pay for a period of

1 not more than one year to permit such teacher to teach in a
2 foreign state under the provisions of the Exchange Teacher
3 Program established under Public Law 584, 79th Congress, and
4 Public Law 402, 80th Congress, as amended. The school board
5 granting such leave of absence may employ with or without pay a
6 national of the foreign state wherein the teacher on leave of
7 absence will teach, if the national is qualified to teach in
8 that foreign state, and if that national will teach in a grade
9 level similar to the one which was taught in such foreign
10 state. The State Board of Education shall promulgate and
11 enforce such reasonable rules as may be necessary to effectuate
12 this paragraph.

13 (Source: P.A. 93-572, eff. 1-1-04.)

14 (105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

15 Sec. 21-23. Suspension or revocation of certificate.

16 (a) The State Superintendent of Education has the exclusive
17 authority, in accordance with this Section and any rules
18 adopted by the State Board of Education, to initiate the
19 suspension of up to 5 calendar years or revocation of any ~~Any~~
20 certificate issued pursuant to this Article, including but not
21 limited to any administrative certificate or endorsement, for
22 ~~may be suspended for a period not to exceed one calendar year~~
23 ~~by the regional superintendent or for a period not to exceed 5~~
24 ~~calendar years by the State Superintendent of Education upon~~
25 ~~evidence of~~ immorality, a condition of health detrimental to

1 the welfare of pupils, incompetency, unprofessional conduct
2 (which includes the failure to disclose on an employment
3 application any previous conviction for a sex offense, as
4 defined in Section 21-23a of this Code, or any other offense
5 committed in any other state or against the laws of the United
6 States that, if committed in this State, would be punishable as
7 a sex offense, as defined in Section 21-23a of this Code), the
8 neglect of any professional duty, willful failure to report an
9 instance of suspected child abuse or neglect as required by the
10 Abused and Neglected Child Reporting Act, failure to establish
11 satisfactory repayment on an educational loan guaranteed by the
12 Illinois Student Assistance Commission, or other just cause.
13 Unprofessional conduct shall include refusal to attend or
14 participate in, institutes, teachers' meetings, professional
15 readings, or to meet other reasonable requirements of the
16 regional superintendent or State Superintendent of Education.
17 Unprofessional conduct also includes conduct that violates the
18 standards, ethics, or rules applicable to the security,
19 administration, monitoring, or scoring of, or the reporting of
20 scores from, any assessment test or the Prairie State
21 Achievement Examination administered under Section 2-3.64 or
22 that is known or intended to produce or report manipulated or
23 artificial, rather than actual, assessment or achievement
24 results or gains from the administration of those tests or
25 examinations. It shall also include neglect or unnecessary
26 delay in making of statistical and other reports required by

1 school officers.

2 (a-5) The ~~regional superintendent or~~ State Superintendent
3 of Education shall, upon receipt of evidence of immorality, a
4 condition of health detrimental to the welfare of pupils,
5 incompetency, unprofessional conduct, the neglect of any
6 professional duty or other just cause, further investigate and,
7 if and as appropriate, serve written notice to the individual
8 and afford the individual opportunity for a hearing prior to
9 suspension or revocation. The fact that an individual has been
10 named as a perpetrator in an indicated report filed pursuant to
11 the Abused and Neglected Child Reporting Act may constitute
12 sufficient evidence for the State Superintendent to initiate
13 suspension or revocation of a certificate. If the State
14 Superintendent of Education does not receive from an individual
15 a request for a hearing within 10 days after the individual
16 receives notice, the suspension or revocation shall
17 immediately take effect in accordance with the notice. If a
18 hearing is requested within 10 days of notice of opportunity
19 for hearing it shall act as a stay of proceedings not to exceed
20 30 days, unless the individual requests a delay. In such an
21 instance, the stay of proceedings must be continued for another
22 30 days. No certificate shall be suspended or revoked pursuant
23 to this Section until the individual ~~teacher~~ has an opportunity
24 for a hearing before the State Teacher Certification Board or a
25 hearing officer appointed thereby and in accordance with rules
26 adopted by the State Board of Education. The decision of the

1 State Teacher Certification Board is a final administrative
2 decision and is subject to judicial review. ~~at the educational~~
3 ~~service region. When a certificate is suspended, the right of~~
4 ~~appeal shall lie to the State Teacher Certification Board. When~~
5 ~~an appeal is taken within 10 days after notice of suspension it~~
6 ~~shall act as a stay of proceedings not to exceed 120 days. If a~~
7 ~~certificate is suspended for a period greater than one year,~~
8 ~~the State Superintendent of Education shall review the~~
9 ~~suspension prior to the expiration of that period to determine~~
10 ~~whether the cause for the suspension has been remedied or~~
11 ~~continues to exist. Upon determining that the cause for~~
12 ~~suspension has not abated, the State Superintendent of~~
13 ~~Education may order that the suspension be continued for an~~
14 ~~appropriate period. Nothing in this Section prohibits the~~
15 ~~continuance of such a suspension for an indefinite period if~~
16 ~~the State Superintendent determines that the cause for the~~
17 ~~suspension remains unabated. Any certificate may be revoked for~~
18 ~~the same reasons as for suspension by the State Superintendent~~
19 ~~of Education. No certificate shall be revoked until the teacher~~
20 ~~has an opportunity for a hearing before the State Teacher~~
21 ~~Certification Board, which hearing must be held within 120 days~~
22 ~~from the date the appeal is taken, unless the State Teacher~~
23 ~~Certification Board requests a delay. In such an instance, the~~
24 ~~stay of the revocation proceedings must be continued until the~~
25 ~~completion of the proceedings.~~

26 The State Board may refuse to issue or may suspend the

1 certificate of any person who fails to file a return, or to pay
2 the tax, penalty or interest shown in a filed return, or to pay
3 any final assessment of tax, penalty or interest, as required
4 by any tax Act administered by the Illinois Department of
5 Revenue, until such time as the requirements of any such tax
6 Act are satisfied.

7 (b) (Blank). ~~Any certificate issued pursuant to this~~
8 ~~Article may be suspended for an appropriate length of time as~~
9 ~~determined by either the regional superintendent or State~~
10 ~~Superintendent of Education upon evidence that the holder of~~
11 ~~the certificate has been named as a perpetrator in an indicated~~
12 ~~report filed pursuant to the Abused and Neglected Child~~
13 ~~Reporting Act, approved June 26, 1975, as amended, and upon~~
14 ~~proof by clear and convincing evidence that the licensee has~~
15 ~~caused a child to be an abused child or neglected child as~~
16 ~~defined in the Abused and Neglected Child Reporting Act.~~

17 ~~The regional superintendent or State Superintendent of~~
18 ~~Education shall, upon receipt of evidence that the certificate~~
19 ~~holder has been named a perpetrator in any indicated report,~~
20 ~~serve written notice to the individual and afford the~~
21 ~~individual opportunity for a hearing prior to suspension. If a~~
22 ~~hearing is requested within 10 days of notice of opportunity~~
23 ~~for hearing, it shall act as a stay of proceedings not to~~
24 ~~exceed 30 days, unless the individual requests a delay. In such~~
25 ~~an instance, the stay of proceedings must be continued for~~
26 ~~another 30 days. No certificate shall be suspended until the~~

1 ~~teacher has an opportunity for a hearing at the educational~~
2 ~~service region. When a certificate is suspended, the right of~~
3 ~~appeal shall lie to the State Teacher Certification Board. When~~
4 ~~an appeal is taken within 10 days after notice of suspension it~~
5 ~~shall act as a stay of proceedings not to exceed 120 days. The~~
6 ~~State Superintendent may revoke any certificate upon proof at~~
7 ~~hearing by clear and convincing evidence that the certificate~~
8 ~~holder has caused a child to be an abused child or neglected~~
9 ~~child as defined in the Abused and Neglected Child Reporting~~
10 ~~Act. No certificate shall be revoked until the teacher has an~~
11 ~~opportunity for a hearing before the State Teacher~~
12 ~~Certification Board, which hearing must be held within 120 days~~
13 ~~from the date the appeal is taken, unless the teacher or the~~
14 ~~hearing officer appointed by the State Teacher Certification~~
15 ~~Board requests a delay. In such an instance, the stay of the~~
16 ~~revocation proceedings must be continued until the completion~~
17 ~~of the proceedings.~~

18 (b-5) The State Superintendent of Education or his or her
19 designee may initiate and conduct such investigations as may be
20 reasonably necessary to establish the existence of any alleged
21 misconduct. At any stage of the investigation, the State
22 Superintendent may issue a subpoena requiring the attendance
23 and testimony of a witness, including the certificate holder,
24 and the production of any evidence, including files, records,
25 correspondence, or documents, relating to any matter in
26 question in the investigation. The subpoena shall require a

1 witness to appear at the State Board of Education at a
2 specified date and time and shall specify any evidence to be
3 produced. The certificate holder is not entitled to be present,
4 but the State Superintendent shall provide the certificate
5 holder with a copy of any recorded testimony prior to a hearing
6 under this Section. Failure of a certificate holder to comply
7 with a duly-issued, investigatory subpoena is grounds for
8 revocation, suspension, or denial of a certificate.

9 (c) The State Superintendent of Education or a person
10 designated by him shall have the power to administer oaths to
11 witnesses at any hearing conducted before the State Teacher
12 Certification Board pursuant to this Section. The State
13 Superintendent of Education or a person designated by him is
14 authorized to subpoena and bring before the State Teacher
15 Certification Board any person in this State and to take
16 testimony either orally or by deposition or by exhibit, with
17 the same fees and mileage and in the same manner as prescribed
18 by law in judicial proceedings in the civil cases in circuit
19 courts of this State.

20 (c-5) Any circuit court, upon the application of the State
21 Superintendent of Education, may, by order duly entered,
22 require the attendance of witnesses and the production of
23 relevant books and papers as part of any investigation or at
24 any hearing the State Teacher Certification Board ~~State~~
25 ~~Superintendent of Education~~ is authorized to conduct pursuant
26 to this Section, and the court may compel obedience to its

1 orders by proceedings for contempt.

2 (c-10) The State Board of Education shall receive an annual
3 line item appropriation to cover fees associated with the
4 investigation and prosecution of alleged educator misconduct
5 and hearings related thereto.

6 (d) As used in this Section, "teacher" means any school
7 district employee regularly required to be certified, as
8 provided in this Article, in order to teach or supervise in the
9 public schools.

10 (Source: P.A. 93-679, eff. 6-30-04; 94-991, eff. 1-1-07.)

11 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

12 Sec. 21-23a. Conviction of certain offenses ~~sex or~~
13 ~~narcotics offense, first degree murder, attempted first degree~~
14 ~~murder, or Class X felony~~ as grounds for revocation of
15 certificate.

16 (a) Whenever the holder of any certificate issued pursuant
17 to this Article has been convicted of any sex offense or
18 narcotics offense as defined in this Section, the ~~regional~~
19 ~~superintendent or the~~ State Superintendent of Education shall
20 forthwith suspend the certificate. If the conviction is
21 reversed and the holder is acquitted of the offense in a new
22 trial or the charges against him are dismissed, the suspending
23 authority shall forthwith terminate the suspension of the
24 certificate. When the conviction becomes final, the State
25 Superintendent of Education shall forthwith revoke the

1 certificate. "Sex offense" as used in this Section means any
2 one or more of the following offenses: (1) any offense defined
3 in Sections 11-6 and 11-9.1 through 11-9.5, inclusive, 11-9 and
4 Sections 11-14 through 11-21, inclusive, Sections 11-23 (if
5 punished as a Class 3 felony) and 11-24, and Sections 12-4.9,
6 12-13, 12-14, 12-14.1, 12-15, and 12-16, 12-32, and 12-33 of
7 the Criminal Code of 1961; (2) any attempt to commit any of the
8 foregoing offenses, and (3) any offense committed or attempted
9 in any other state which, if committed or attempted in this
10 State, would have been punishable as one or more of the
11 foregoing offenses. "Narcotics offense" as used in this Section
12 means any one or more of the following offenses: (1) any
13 offense defined in the Cannabis Control Act except those
14 defined in Sections 4(a), 4(b) and 5(a) of that Act and any
15 offense for which the holder of any certificate is placed on
16 probation under the provisions of Section 10 of that Act and
17 fulfills the terms and conditions of probation as may be
18 required by the court; (2) any offense defined in the Illinois
19 Controlled Substances Act except any offense for which the
20 holder of any certificate is placed on probation under the
21 provisions of Section 410 of that Act and fulfills the terms
22 and conditions of probation as may be required by the court;
23 (3) any offense defined in the Methamphetamine Control and
24 Community Protection Act except any offense for which the
25 holder of any certificate is placed on probation under the
26 provision of Section 70 of that Act and fulfills the terms and

1 conditions of probation as may be required by the court; (4)
2 any attempt to commit any of the foregoing offenses; and (5)
3 any offense committed or attempted in any other state or
4 against the laws of the United States which, if committed or
5 attempted in this State, would have been punishable as one or
6 more of the foregoing offenses.

7 (b) Whenever the holder of a certificate issued pursuant to
8 this Article has been convicted of first degree murder,
9 attempted first degree murder, conspiracy to commit first
10 degree murder, attempted conspiracy to commit first degree
11 murder, or a Class X felony or any offense committed or
12 attempted in any other state or against the laws of the United
13 States that, if committed or attempted in this State, would
14 have been punishable as one or more of the foregoing offenses,
15 the regional superintendent or the State Superintendent of
16 Education shall forthwith suspend the certificate. If the
17 conviction is reversed and the holder is acquitted of that
18 offense in a new trial or the charges that he or she committed
19 that offense are dismissed, the suspending authority shall
20 forthwith terminate the suspension of the certificate. When the
21 conviction becomes final, the State Superintendent of
22 Education shall forthwith revoke the certificate. ~~The stated~~
23 ~~offenses of "first degree murder", "attempted first degree~~
24 ~~murder", and "Class X felony" referred to in this Section~~
25 ~~include any offense committed in another state that, if~~
26 ~~committed in this State, would have been punishable as any one~~

1 ~~of the stated offenses.~~

2 (Source: P.A. 94-556, eff. 9-11-05.)

3 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

4 Sec. 34-18.5. Criminal history records checks and checks of
5 the Statewide Sex Offender Database and Statewide Child
6 Murderer and Violent Offender Against Youth Database.

7 (a) Certified and noncertified applicants for employment
8 with the school district are required as a condition of
9 employment to authorize a fingerprint-based criminal history
10 records check to determine if such applicants have been
11 convicted of any of the enumerated criminal or drug offenses in
12 subsection (c) of this Section or have been convicted, within 7
13 years of the application for employment with the school
14 district, of any other felony under the laws of this State or
15 of any offense committed or attempted in any other state or
16 against the laws of the United States that, if committed or
17 attempted in this State, would have been punishable as a felony
18 under the laws of this State. Authorization for the check shall
19 be furnished by the applicant to the school district, except
20 that if the applicant is a substitute teacher seeking
21 employment in more than one school district, or a teacher
22 seeking concurrent part-time employment positions with more
23 than one school district (as a reading specialist, special
24 education teacher or otherwise), or an educational support
25 personnel employee seeking employment positions with more than

1 one district, any such district may require the applicant to
2 furnish authorization for the check to the regional
3 superintendent of the educational service region in which are
4 located the school districts in which the applicant is seeking
5 employment as a substitute or concurrent part-time teacher or
6 concurrent educational support personnel employee. Upon
7 receipt of this authorization, the school district or the
8 appropriate regional superintendent, as the case may be, shall
9 submit the applicant's name, sex, race, date of birth, social
10 security number, fingerprint images, and other identifiers, as
11 prescribed by the Department of State Police, to the
12 Department. The regional superintendent submitting the
13 requisite information to the Department of State Police shall
14 promptly notify the school districts in which the applicant is
15 seeking employment as a substitute or concurrent part-time
16 teacher or concurrent educational support personnel employee
17 that the check of the applicant has been requested. The
18 Department of State Police and the Federal Bureau of
19 Investigation shall furnish, pursuant to a fingerprint-based
20 criminal history records check, records of convictions, until
21 expunged, to the president of the school board for the school
22 district that requested the check, or to the regional
23 superintendent who requested the check. The Department shall
24 charge the school district or the appropriate regional
25 superintendent a fee for conducting such check, which fee shall
26 be deposited in the State Police Services Fund and shall not

1 exceed the cost of the inquiry; and the applicant shall not be
2 charged a fee for such check by the school district or by the
3 regional superintendent. Subject to appropriations for these
4 purposes, the State Superintendent of Education shall
5 reimburse the school district and regional superintendent for
6 fees paid to obtain criminal history records checks under this
7 Section.

8 (a-5) The school district or regional superintendent shall
9 further perform a check of the Statewide Sex Offender Database,
10 as authorized by the Sex Offender Community Notification Law,
11 for each applicant.

12 (a-6) The school district or regional superintendent shall
13 further perform a check of the Statewide Child Murderer and
14 Violent Offender Against Youth Database, as authorized by the
15 Child Murderer and Violent Offender Against Youth Community
16 Notification Law, for each applicant.

17 (b) Any information concerning the record of convictions
18 obtained by the president of the board of education or the
19 regional superintendent shall be confidential and may only be
20 transmitted to the general superintendent of the school
21 district or his designee, the appropriate regional
22 superintendent if the check was requested by the board of
23 education for the school district, the presidents of the
24 appropriate board of education or school boards if the check
25 was requested from the Department of State Police by the
26 regional superintendent, the State Superintendent of

1 Education, the State Teacher Certification Board or any other
2 person necessary to the decision of hiring the applicant for
3 employment. A copy of the record of convictions obtained from
4 the Department of State Police shall be provided to the
5 applicant for employment. Upon the check of the Statewide Sex
6 Offender Database, the school district or regional
7 superintendent shall notify an applicant as to whether or not
8 the applicant has been identified in the Database as a sex
9 offender. If a check of an applicant for employment as a
10 substitute or concurrent part-time teacher or concurrent
11 educational support personnel employee in more than one school
12 district was requested by the regional superintendent, and the
13 Department of State Police upon a check ascertains that the
14 applicant has not been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) or has not been
16 convicted, within 7 years of the application for employment
17 with the school district, of any other felony under the laws of
18 this State or of any offense committed or attempted in any
19 other state or against the laws of the United States that, if
20 committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State and so
22 notifies the regional superintendent and if the regional
23 superintendent upon a check ascertains that the applicant has
24 not been identified in the Sex Offender Database as a sex
25 offender, then the regional superintendent shall issue to the
26 applicant a certificate evidencing that as of the date

1 specified by the Department of State Police the applicant has
2 not been convicted of any of the enumerated criminal or drug
3 offenses in subsection (c) or has not been convicted, within 7
4 years of the application for employment with the school
5 district, of any other felony under the laws of this State or
6 of any offense committed or attempted in any other state or
7 against the laws of the United States that, if committed or
8 attempted in this State, would have been punishable as a felony
9 under the laws of this State and evidencing that as of the date
10 that the regional superintendent conducted a check of the
11 Statewide Sex Offender Database, the applicant has not been
12 identified in the Database as a sex offender. The school board
13 of any school district may rely on the certificate issued by
14 any regional superintendent to that substitute teacher,
15 concurrent part-time teacher, or concurrent educational
16 support personnel employee or may initiate its own criminal
17 history records check of the applicant through the Department
18 of State Police and its own check of the Statewide Sex Offender
19 Database as provided in subsection (a). Any person who releases
20 any confidential information concerning any criminal
21 convictions of an applicant for employment shall be guilty of a
22 Class A misdemeanor, unless the release of such information is
23 authorized by this Section.

24 (c) The board of education shall not knowingly employ a
25 person who has been convicted of a sex offense or narcotics
26 offense, first degree murder, attempted first degree murder,

1 conspiracy to commit first degree murder, attempted conspiracy
2 to commit first degree murder, or a Class X felony. The
3 offenses of "first degree murder", "attempted first degree
4 murder", "conspiracy to commit first degree murder",
5 "attempted conspiracy to commit first degree murder", and
6 "Class X felony" referred to in this Section include any
7 offense committed or attempted in another state or against the
8 laws of the United States that, if committed or attempted in
9 this State, would have been punishable as any one of these
10 offenses. ~~for committing attempted first degree murder or for~~
11 ~~committing or attempting to commit first degree murder or a~~
12 ~~Class X felony or any one or more of the following offenses:~~
13 ~~(i) those defined in Sections 11-6, 11-9, 11-14, 11-15,~~
14 ~~11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,~~
15 ~~11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the~~
16 ~~Criminal Code of 1961; (ii) those defined in the Cannabis~~
17 ~~Control Act, except those defined in Sections 4(a), 4(b) and~~
18 ~~5(a) of that Act; (iii) those defined in the Illinois~~
19 ~~Controlled Substances Act; (iv) those defined in the~~
20 ~~Methamphetamine Control and Community Protection Act; and (v)~~
21 ~~any offense committed or attempted in any other state or~~
22 ~~against the laws of the United States, which if committed or~~
23 ~~attempted in this State, would have been punishable as one or~~
24 ~~more of the foregoing offenses.~~ Further, the board of education
25 shall not knowingly employ a person who has been found to be
26 the perpetrator of sexual or physical abuse of any minor under

1 18 years of age pursuant to proceedings under Article II of the
2 Juvenile Court Act of 1987.

3 "Sex offense" as used in this Section means any one or more
4 of the following offenses:

5 (1) Any offense under Sections 11-6, 11-9.1 through
6 11-9.5, inclusive, 11-14 through 11-21, inclusive, 11-23
7 (if punished as a Class 3 felony), 11-24, 12-4.9, 12-13,
8 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the
9 Criminal Code of 1961.

10 (2) An attempt to commit any of the offenses set forth
11 in subdivision (1) of this subsection (c).

12 (3) Any offense committed or attempted in another state
13 or against the laws of the United States that, if committed
14 or attempted in this State, would have been punishable as
15 one or more of the offenses set forth in subdivisions (1)
16 and (2) of this subsection (c).

17 "Narcotics offense" as used in this Section means any one
18 or more of the following offenses:

19 (A) Any offense under the Cannabis Control Act, except
20 an offense defined in subdivision (a) or (b) of Section 4
21 or subdivision (a) of Section 5 of the Cannabis Control Act
22 or an offense in which the person is placed on probation
23 under Section 10 of the Cannabis Control Act and the person
24 fulfills those terms and conditions of probation as may be
25 required by the court.

26 (B) Any offense under the Illinois Controlled

1 Substances Act, except an offense in which the person is
2 placed on probation under Section 410 of the Illinois
3 Controlled Substances Act and the person fulfills those
4 terms and conditions of probation as may be required by the
5 court.

6 (C) Any offense under the Methamphetamine Control and
7 Community Protection Act, except an offense in which the
8 person is placed on probation under Section 70 of the
9 Methamphetamine Control and Community Protection Act and
10 the person fulfills those terms and conditions of probation
11 as may be required by the court.

12 (D) An attempt to commit any of the offenses set forth
13 in clauses (A), (B), and (C) of this subsection (c).

14 (E) Any offense committed or attempted in another state
15 or against the laws of the United States that, if committed
16 or attempted in this State, would have been punishable as
17 one or more of the offenses set forth in clauses (A), (B),
18 (C), and (D) of this subsection (c).

19 (d) The board of education shall not knowingly employ a
20 person for whom a criminal history records check and a
21 Statewide Sex Offender Database check has not been initiated.

22 (e) Upon receipt of the record of a conviction of or a
23 finding of child abuse by a holder of any certificate issued
24 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
25 Code, the ~~board of education or the~~ State Superintendent of
26 Education ~~may shall~~ initiate ~~the~~ certificate suspension and

1 revocation proceedings as authorized by law.

2 (f) After March 19, 1990, the provisions of this Section
3 shall apply to all employees of persons or firms holding
4 contracts with any school district including, but not limited
5 to, food service workers, school bus drivers and other
6 transportation employees, who have direct, daily contact with
7 the pupils of any school in such district. For purposes of
8 criminal history records checks and checks of the Statewide Sex
9 Offender Database on employees of persons or firms holding
10 contracts with more than one school district and assigned to
11 more than one school district, the regional superintendent of
12 the educational service region in which the contracting school
13 districts are located may, at the request of any such school
14 district, be responsible for receiving the authorization for a
15 criminal history records check prepared by each such employee
16 and submitting the same to the Department of State Police and
17 for conducting a check of the Statewide Sex Offender Database
18 for each employee. Any information concerning the record of
19 conviction and identification as a sex offender of any such
20 employee obtained by the regional superintendent shall be
21 promptly reported to the president of the appropriate school
22 board or school boards.

23 (Source: P.A. 94-219, eff. 7-14-05; 94-556, eff. 9-11-05;
24 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; 95-331, eff.
25 8-21-07.)